The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper 29

Filed by: Trial Section Merits Panel
Mail Stop Interference
P.O. Box 1450
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Filed 13 December 2004

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## UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Sally Gardner Lane)

JON A. WOLFF,
DAVID J. DUKE, and PHILIP L. FELGNER
Junior Party,
(Application 09/478,457),

٧.

JEFFREY M. LEIDEN and ELIAY BARR Senior Party, (Patent 5,661,133).

Patent Interference No. 105,213

Before SCHAFER, TORCZON, and LANE, Administrative Patent Judges.

LANE, Administrative Patent Judge.

**FINAL JUDGMENT** 

Wolff has filed a paper requesting that judgment be entered against it. (Paper 28).

Wolff's request is GRANTED.

Upon consideration of the record of the interference and for reasons given, it is

ORDERED that judgment on priority is awarded against JON A. WOLFF,

DAVID J. DUKE, and PHILIP L. FELGNER as to Count 1, the sole count of the interference;

FURTHER ORDERED that JON A. WOLFF, DAVID J. DUKE, and PHILIP L.

FELGNER is not entitled to a patent containing claims 48, 50-54, 58-63, and 77 of application

09/478,457 that correspond to Count 1; and

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative records of each of Wolff's 09/478,457 application and Leiden's 5,661,133 patent.

RICHARD E. SCHAFER
Administrative Patent Judge

BOARD OF PATENT
APPEALS
Administrative Patent Judge

SALLY CARDNER LANE
Administrative Patent Judge

Administrative Patent Judge

cc (via electronic):

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